THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :12391 of 2005

Dated: 12.09.2005

Between:

M.Venkateshwara Gupta, S/o M. Krishnaiah Gupta and three others .. **Petitioners**

And

The Government of A.P., rep., by its

Secretary, Irrigation and Command Area Development

Department, Secretariat, Buildings, Hyderabad and

four others.

..**Respondents**

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&

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WRIT PETITION NO :12391 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of mandamus

by invoking the jurisdiction of this Court under Article 226 of the Constitution of India, to the official respondents to consider the case of the petitioners for promotion as Deputy Executive Engineers and to declare that the petitioners have acquired their rights by virtue of their regularization as Assistant Executive Engineers.

It is the case of the writ petitioners that the writ petitioners are working as Assistant Executive Engineers and their services were regularized and hence, they are eligible for being considered for promotion as Deputy Executive Engineers.

The material on record goes to show that originally, the unofficial respondents herein have filed O.A.No.2053 of 2005 questioning the promotion of the writ petitioners before the Tribunal. Pending the O.A., the Tribunal passed an interim order dated 28.4.2005 to the effect that the writ petitioners and official respondents 1 and 2 herein shall follow the orders of this Court in WP No.17572 of 2004, wherein this Court directed to consider the case of the petitioners and the respondents therein. It is further made clear that if any clarification is required, party concerned may obtain clarification from this Court. Aggrieved by the same, the writ petitioners filed the present Writ Petition.

Heard the learned Counsel on record and perused the material on record.

Admittedly, the O.A. filed by the unofficial respondents herein is pending before the Tribunal and the present writ petition has been filed by the unofficial respondents in the O.A., aggrieved by the interim relief that has been granted by the tribunal on 28.4.2005 to the effect that the writ petitioners and official respondents 1 and 2 herein shall follow the orders of this Court passed in WP No.17572 of 2004, wherein this Court directed the official respondents to consider the case of the petitioners and the respondents therein.

This writ petition is nothing but an out come of an interim order. As a matter of fact, the said order has also been passed by the tribunal basing on the order passed by this Court in W.P.No.17572 of 2004.

Apart from that, the question as to whether the writ petitioners or the unofficial respondents are eligible for promotion and as to who are seniors to each of the parties, is a matter to be decided in the main O.A., which is pending before the tribunal, after hearing both the parties. In this view of the matter, the finding, if any given by this Court at this interlocutory stage, may touch the very merits of main O.A. and may also cause prejudice to the rights of either of the parties. Therefore, we see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to

costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 12.09.2005

Nn/Bud.